

### **REMARKS**

The Office Action of September 20, 2010, has been reviewed and the Examiner's comments carefully considered. Claims 18, 19, 21-23, 26, 27, and 30 have been amended. No new matter has been added by these amendments. Claims 1-17 were previously cancelled and claims 31-34 have been withdrawn. Accordingly, claims 18-30 are currently pending and subject to examination, and claim 18 is in independent form.

#### **Foreign Priority:**

The Examiner asserts that foreign priority was not filed within the appropriate time period set forth in 37 CFR §1.55(a)(1). This is incorrect. On July, 18, 2006, an Application Data Sheet was filed identifying the foreign priority document. Such a filing constitutes a claim for foreign priority. See 37 CFR §1.76(b)(6); see also MPEP §201.13, subpart II. This claim was later confirmed in the Notice of Acceptance, which states that the priority documents were filed on July, 18, 2006. Accordingly, foreign priority was claimed within the appropriate time period. In view of the above remarks, reconsideration and withdrawal of the objection to foreign priority is respectfully requested.

#### **Abstract Objection:**

The abstract is objected to because it does not provide organization and operation of the apparatus and includes improper phrases. A new abstract in proper form that provides organization and operation of the apparatus has been submitted. In view of this new Abstract, reconsideration and withdrawal of the objection is respectfully requested.

#### **Claim Objections:**

Claims 18, 19, 22, 23, 27, and 30 have been objected to due to certain informalities. Claims 18, 22, 23, 27, and 30 have been amended to remove redundant phrases. Claim 19 has been amended to replace the "is" in line 2 with "are". In view of the foregoing amendments and remarks, reconsideration and withdrawal of these objections is respectfully requested.

#### **Rejections Under 35 U.S.C. §112, second paragraph:**

Claims 18-30 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicant regards as the invention. Independent claim 18 has been amended to positively claim "at least

one supply container...a plurality of spray units...at least one pump...and a mobile support structure.” Claim 18 has further been amended to clarify that “part-surface” in line 6 refers to “part of the surface”. Claim 21 has been amended to include sufficient antecedent basis. Claim 26 has been amended to positively claim a shielding element, thereby clarifying that it is part of the claimed structure. In view of the foregoing amendments and remarks, reconsideration and withdrawal of these rejections are respectfully requested.

**Comments Under 35 U.S.C. §112, sixth paragraph:**

The Examiner asserts that several means-plus-function clauses contained in claims 18, 22, 23, 27, and 30 are not defined and supported by the specification. Claims 18, 22, 23, 27, and 30 have been amended to remove the means-plus-function language contained therein. Accordingly, claims 18, 22, 23, 27, and 30 are in better condition for allowance.

**Rejections Under 35 U.S.C. §103(a):**

Claims 18-23 and 26-30 stand rejected under 35 U.S.C. §103(a) for obviousness over WO 0020693 to Jacquinet (hereinafter “Jacquinet”) in view of DE 10327413 to Schulte et al. (hereinafter “Schulte”). Claims 24 and 25 stand rejected under 35 U.S.C. §103(a) for obviousness over Jacquinet in view of Schulte and in further view of EP 381904 to Ducreux et al. (hereinafter “Ducreux”). In view of the foregoing amendments and following remarks, reconsideration and withdrawal of these rejections are respectfully requested.

As previously mentioned, claim 18 has been amended to positively claim “at least one supply container...a plurality of spray units...at least one pump...and a mobile support structure.” Accordingly, independent claim 18, as amended, is directed to an apparatus for cleaning surfaces fouled with chewing gum which includes a mobile support structure, a supply container for a cleaning agent, a plurality of spray units coupled to the supply container for spraying the cleaning agent, and a pump for feeding the cleaning agent under pressure to a spray unit. The spray unit is adapted to spray the same part of the surface at least once. A front spray unit lies substantially in front of a rear spray unit. A pressure-generating mechanism is used to bring the cleaning agent under pressure such that the pressure lies substantially between 300 and 750 bar. A mechanism for heating the cleaning agent is used such that the temperature of the cleaning agent is a minimum of 115 degrees Celsius.

Applicant submits that Jacquinet and Schulte, taken separately or in combination, fail to teach or suggest the subject matter of independent claim 18, as amended.

Jacquinet teaches an apparatus for removing markings from a surface, and, in particular, for removal of road markings. The apparatus includes a support for carrying a plurality of nozzles, and a pump to supply a fluid in jets through the nozzles at ultra high pressures. The nozzles can be rotated such that the jets describe a curvilinear pattern on the surface. It also includes a means to propel the apparatus relative to the surface. Further, Jacquinet points out that ultra pressures refer to a pressure of greater than 1400 bar, preferably from 2400 bar upwards. Thus, Jacquinet fails to teach of an apparatus for removing gum that uses pressures between 300 and 750 bar. In fact, Jacquinet suggests that pressures from 100 to 1400 bar are inadequate because it causes a “hammer action” resulting in undesirable effects (see page 2 of WO 0020693). In addition, Jacquinet does not teach the step of heating a cleaning agent, and, in particular, heating a cleaning agent to a minimum of 115 degrees Celsius. Jacquinet therefore does not teach an apparatus for cleaning surfaces fouled with chewing gum as claimed in claim 18.

The Examiner cites Schulte for teaching a device for cleaning surfaces using a heating means and a pressure adjustment means. Applicant submits that Schulte discloses an apparatus for removing tacky substances using pressure and temperature modifications. However, contrary to the Examiner’s assertion, Schulte does not teach a device that sprays a cleaning agent at a pressure of 300 bar. Referring to paragraph [0041], Schulte ambiguously states that “the pressure can amount depending upon hardness of the brush from 2 MPa to 30 MPa.” Based on this description, it is unclear as to what the pressure is referring to. It appears Schulte is referring to the pressure at which the brush makes contact with the surface. Even if Schulte is referring to the spraying of a fluid at a pressure between 20 and 300 bar, Applicant discloses using a pressure between 300 and 750 bar. Therefore, a pressure **above** 300 bar and below 750 bar is required, which is not taught by Schulte. The apparatus according to claim 18 derives its beneficiary function from the selective combination of temperature and pressure.

Moreover, a person skilled in the art would not be motivated to combine the Schulte reference with Jacquinet. Mentioned earlier, Jacquinet discloses an apparatus for removing road

marks using a spraying pressure of greater than 1400 bar, preferably from 2400 bar upwards. More importantly, it suggests that pressure between 100 and 1400 bar is undesirable and must be avoided. Jacquinet therefore teaches away from using pressures below 1400 bar. Consequently, a person skilled in the art would not have found it obvious to combine Schulte with Jacquinet because of the extremely low pressures (between 20 and 300 bar) ambiguously suggested in Schulte. In addition, a person skilled in the art would not be motivated to use the temperature adjustments of Schulte with Jacquinet since it is suggested that the temperature adjustments in Schulte are to be used in combination with the low pressure ranges of Schulte, which has shown to be incompatible with Jacquinet.

Claims 19-23 and 26-30 are dependent upon and add further limitations to independent claim 18, and are allowable for at least the same reasons discussed above in connection with independent claim 18.

Accordingly, for the reasons set forth above, it is respectfully requested that the rejection of claims 18-23 and 26-30 under 35 U.S.C. §103(a) be withdrawn, as the combination of Jacquinet with Schulte fails to render these claims obvious.

Claims 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jacquinet in view of Schulte and further in view of Ducreux.

Ducreux is relied on as teaching the use of a roller brush. Ducreux fails to overcome the deficiencies of Jacquinet and Schulte with respect to independent claim 18. Claims 24 and 25 further limit independent claim 18 and, accordingly, are not rendered obvious with the addition of Ducreux to the rejection.

For these reasons set forth above, it is respectfully requested that the rejection of claims 24 and 25 under 35 U.S.C. §103(a) be withdrawn, as the combination of Jacquinet with Schulte and Ducreux fails to render these claims obvious.

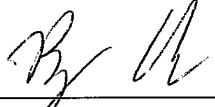
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CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejections and allowance of pending claims 18-30 are respectfully requested.

Respectfully submitted,  
THE WEBB LAW FIRM

By \_\_\_\_\_

  
Bryan P. Clark  
Registration No. 60,465  
Attorney for Applicant  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com